

#7

**PCT Rec'd 30 APR 2001**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



APPLICANT: Joseph G. SODROSKI  
Richard T. WYATT  
Peter D. KWONG  
Wayne A. HENDRICKSON  
Michael FARZAN

**RECEIVED**

**MAY 04 2001**

**OFFICE OF PETITIONS  
DEPUTY A/C PATENTS**

SERIAL NO.: 09/446,820

FILED: -

FOR: STABILIZED PRIMATE LENTIVIRUS ENVELOPE GLYCOPROTEINS

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Sir:

**RENEWED PETITION UNDER 37 C.F.R. 1.47(a)**

Applicants respectfully request reconsideration of the Decision on Petition Under 37 C.F.R. 1.47(a), mailed February 28, 2001 in the above-identified application. Applicants are submitting herewith a Declaration signed by **all** the named joint inventors.

The complete history of this application was summarized in the Decision on Petition mailed February 28, 2001.

The present application was filed in the U.S. as the national stage entry of international application PCT/US98/24001 on December 29, 1999. On March 30, 2000 the United States Designated/Elected Office mailed a Notification of Missing Requirements under 37 C.F.R. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 C.F.R. 1.497 (a) and (b) was required, setting a one month time limit in which to respond.

On September 29, 2000 applicants submitted a Petition under 37 C.F.R. 1.47(a) for acceptance of the application without the signatures of two joint inventors, Peter D. Kwong and Wayne A. Hendrickson. The declaration was signed on their behalf by the first named inventor, Joseph G. Sodroski, as well as by Joseph G. Sodroski, Richard T. Wyatt, and Michael Farzan on

their own behalves, respectively. The petition was accompanied by (1) \$130.00, as required under 37 C.F.R. 1.17(h) and all the requisite filing fees; (2) supporting documents that the missing inventors had refused to sign (including statements by Nicole L. M. Valtz, Nancy Grodin, and letters documenting attempts to have the missing inventors sign the declaration); (3) the last known address of each non-signing inventor; and (4) a declaration signed by each inventor on his own behalf and on behalf of the non-signing joint inventors.

On February 28, 2001 a Decision on Petition under 37 C.F.R. 1.47(a) was mailed, in which the Petition was dismissed without prejudice. The Petitions Attorney indicated therein that while items (1), (3), and (4) satisfied the requirements for this Petition, the documents provided for requirement (2), to establish that a bona fide attempt had been made to present the application papers, including the specification, claims, and drawings to Peter D. Kwong and Wayne A. Hendrickson, had not been satisfied. The Decision indicated that applicants had two months from the date of the Decision to file a response for reconsideration on the merits. The Decision further indicated that no additional fee is required. Applicants believe that they had complied with item (2) but as explained below, this issue is now moot.

In response to this Decision, applicants are submitting herewith a combined Declaration and Power of Attorney, signed by each of the joint inventors of this application.

The previously non-signing inventors have now signed the Declaration and provided it to the undersigned counsel for this matter at the recommendation of the technology transfer office at Columbia University. Academic institutions typically have a technology transfer office, which manages the intellectual property, including patent prosecution, on behalf of their scientist employees. This invention involves scientists from two such academic institutions, Dana-Farber Cancer Institute and Columbia University. The declaration was not previously executed due to certain concerns by personnel at Columbia University, the employer of the two non-signing inventors. Pursuant to discussions between Dana-Farber Cancer Institute, Inc. and Columbia, and the declaration has now been signed by Peter D. Kwong and Wayne A. Hendrickson, as well as the previously signing inventors, Joseph G. Sodroski, Richard T. Wyatt, and Michael Farzan.

Thus, applicants have now provided an executed declaration for this application as well as the rationale for why it was not previously executed. Accordingly, applicants respectfully submit that the Decision should be reconsidered.

Applicants believe no fee is due; however, please charge Deposit Account 50-0850 if any fee is required.

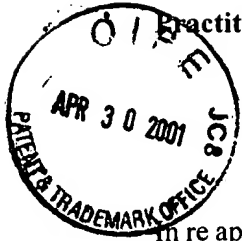
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald I. Eisenstein", with a horizontal line drawn underneath it.

Ronald I. Eisenstein  
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Date: April 30, 2001

Customer No. 26248



Practitioner's Docket No. 700157/48436

**PROCESSED** Rec'd 30 APR 2001

*DA-C*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Sodroski et al.

Application No.: 09/446,820

Filed: November 10, 1998

For: STABILIZED PRIMATE LENTIVIRUS ENVELOPE GLYCOPROTEINS

Group No.:

Examiner:

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

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**MAY 04 2001**

**OFFICE OF PETITIONS  
DEPUTY A/C PATENTS**

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EL565099365US

Date of Deposit April 30, 2001

I hereby state that the following *attached* paper or fee

Renewed Petition under 37 C.F.R. 1.47(a);

Original Declaration and Power of Attorney signed by Drs. Kwong and Hendrickson;

Return Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Patricia W. Turner

*Patricia W. Turner*  
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Signature of person mailing paper or fee